

Short Title: Real Property Partition/Access to Property.

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT DURING A REAL PROPERTY PARTITION PROCEEDING, A COURT MAY ORDER ACCESS TO THE PROPERTY FOR THE PURPOSE OF INSPECTING, SURVEYING, APPRAISING, OR SELLING THE PROPERTY [AND TO PROVIDE THAT A COURT SHALL DECIDE AN APPLICATION FOR AN INTERLOCUTORY ORDER AFTER NOTICE AND A HEARING].

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 46-3.1 reads as rewritten:

"§ 46-3.1. Court's authority to make orders pending final determination of [proceeding; proceeding; notice and hearing.]

[(a)] Pending final determination of the proceeding, on application of any of the parties in a proceeding to partition ~~land~~, real property, the court may make such orders as it considers to be in the best interest of the parties, including but not limited to orders relating to possession, payment of secured debt or other liens on the property, occupancy and payment of rents, ~~and to include~~ the appointment of receivers pursuant to ~~G.S. 1-502(6)~~, G.S. 1-502(6), and access to the property for the purpose of inspecting, surveying, appraising, or selling the property.

[(b)] A party making an application under subsection (a) of this section shall serve a copy of the application. [If a party files a response to the application within 10 days of being served, the] [The] court shall schedule a hearing on the application.]"

SECTION 2. This act becomes effective [October 1, 2018], and applies to real property partition proceedings commenced on or after that date.